

In re application of
Baird et al.
Application No.: 09/372,475

Atty. Dkt. No. 238/168
(039143-1201)

PCT/US 97/12722, filed July 21, 1997, in turn is a continuation in part of U.S. App. No. 08/837,524.

REMARKS

This communication is responsive to the Office Communication dated March 31, 2005, wherein formal matters involving priority and declaration were presented in accordance with practice under Ex parte Quayle. The amendment present herewith was required in the Office Communication to clarify and/or correct inconsistencies in the section entitled CROSS REFERENCE TO RELATED APPLICATIONS. The amendment does not change the scope of the claims. Accordingly, entry of the amendment is requested.

Applicants thank the Examiner for the identification of three apparent inconsistencies in the paragraph beginning on page 1, line 10, of the specification (i.e., the section entitled CROSS REFERENCE TO RELATED APPLICATIONS). In order to avoid any potential ambiguity, the replacement paragraphs provided herewith avoid the use of compound grammatical structures in the definition of parent-child relationships.

Concerning the first apparent inconsistency, in a preliminary amendment dated August 11, 1999, a claim of priority of the instant application to PCT/US98/01714 was made. As required by the current Office Communication, the relationship of the instant application to PCT/US98/01714 is stated to be a continuation in the replacement paragraph provided herewith.

In the second apparent inconsistency, the filing dates of several applications appear to be inconsistent with proper parent-child relationships. An example concerning Application Serial Number 08/837,523 is given in the current Office Communication (page 2, line 14). Applicants submit that any apparent inconsistency is the result of a complex priority sentence in the original specification. In order to resolve any apparent inconsistency, the replacement paragraphs provided herewith avoid the use of compound grammatical structures in the definition of parent-

In re application of
Baird et al.
Application No.: 09/372,475

Atty. Dkt. No. 238/168
(039143-1201)

child relationships. Accordingly, the relationships and dates of all child applications have been recited in the replacement paragraphs.

In the third such inconsistency, Applicants respectfully traverse the Examiner's assertion that

the filing date of Application Serial Number 08/853,522 is incorrect in said paragraph. It should be January 30, 1998, and not May 8, 1997, as presently in said cross reference paragraph

(Office Communication page 2, last paragraph). Investigation of the filing date of Application Serial Number 08/853,522 in PAIR shows the filing date of said application to be May 8, 1997. Accordingly, the May 8, 1997, filing date has been recited in the paragraph provided herewith.

Finally, regarding priority claims, the status of applications which have become either abandoned or patented has been added in the replacement paragraphs provided herewith.

Concerning declaration formal matters, as required in the Office Communication (page 3, line 6), a new declaration in compliance with 37 C.F.R. § 1.67(a) identifying the subject application by application number and filing date is provided herewith.

Applicants respectfully submit that the instant application is in condition for allowance and request favorable action. Should any matters remain outstanding, the Examiner is encouraged to contact the undersigned at the address and telephone number listed below so that a rapid resolution can be achieved.

In re application of
Baird et al.
Application No.: 09/372,475

Atty. Dkt. No. 238/168
(039143-1201)

It is believed that no fees are due in connection with this submission. In the event this is not correct, the undersigned authorizes the Commissioner to charge Deposit Account No. 50-0872.

Respectfully submitted,

Date

May 31, 2005

By

Steven C. Koerber

FOLEY & LARDNER LLP
Customer Number: 30542
Telephone: (858) 847-6725
Facsimile: (858) 792-6773

Steven C. Koerber
Registration No. 54,233 for
Richard J. Warburg
Attorney for Applicant
Registration No. 32,327